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10/069,456	02/26/2002	Goran Dimitrov Georgiev	ETV-1	3342

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EXAMINER

HYEON, HAE M

ART UNIT

PAPER NUMBER

2839

DATE MAILED: 06/17/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/069,456

Applicant(s)

GEORGIEV ET AL.

Examiner

Hae M Hyeon

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 26 February 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 February 2002 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### *Drawings*

1. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description:

- A center 0 of the concave contact surface recited on page 20, line 7.
- A center axis 0'-0' recited on page 20, line 8.
- An indication of screws 4' recited on page 35, line 25.

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

2. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore,

- The permanent point on the axis of the angularly shifted carrier
- Bearing surface, flange, spatial or plain hinge, and common slip plane
- Hinge contact surfaces being part of a concave sphere and a base of a right circular cylinder, part of a concave cylinder and a base of a parallelepiped or cube, or a part of a concave ellipsoid and a base of an elliptic cylinder
- The symmetry axis of the body hinged

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~~must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.~~

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

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3. The drawings are objected to because:

- The cross-sectional views of the drawings do not use the correct cross-sectional lines to represent different materials.
- It is not clear what are optical channel, bearing surface, flange, spatial or plain hinge, and common slip plane since the present specification does not provide reference numbers for these elements.
- In Figure 9, the reference number 6' is pointing two different places.
- All the axes and the centers of the triad bodies are not clearly shown and not clearly identified.

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

4. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description:

- “external face 7” recited on page 22, lines 11-12 is not in Figure 2.
- “external attachment surface 7” recited on page 28, lines 22-23 is not in Figure 5.

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

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### *Specification*

5. The disclosure is objected to because of the following informalities:

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- On page 1, line 2 of the first paragraph under “Field of the Invention” recites, “optical units (OA),” but the second paragraph under “Prior Art” recites “OU.” It is not clear what is OU.
- Page 19, line 10 recites, “two end OU carriers 1, 2.” However, lines 14-15 recite, “The three bodies 1, 2, 3;” line 17 recites, “The two end bodies 1, 2;” and page 20, line 26 recites, “OU carrier 2.” The terminology for the same element should be consistent through out the specification for easier understanding.
- Page 20, line 12 recites, “**hinge** end body 2;” but line 15 recites, “**movable body** 1 or 2 or 3” and line 20 recites, “the end body 2 that is **not hinged**.” It is not clear what is the body 2.
- On page 21, line 17, “the interstitial body 2” should be -- the interstitial body 3 --.
- Page 22, lines 11-12 recites, “an external face 7’,” but lines 16-17 recite, “an attachment flat face 7’.” It is not clear whether they are the same element or not.
- On page 32, line 21 recites, “OU (AOA).” It is not clear what is (AOA). It seems that AOA should be AOU. The same problem occurs on page 34.
- On page 34, line 10, it seems that “bearing surfaces 6’” should be -- bearing surfaces 6’ --  
Appropriate correction is required.

6. The lengthy specification has not been checked to the extent necessary to determine the presence of all possible minor errors. The examiner has listed only some of the problems.

Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

*Claim Objections*

7. Claims 1-9 are objected to because of the following informalities:
- Claim 1, lines 3-4, “the two carriers” should be -- two carriers --.
  - Claim 1, line 10, “byy” should be -- by --.
  - Claim 1, line 12 recites, “the optical units optical axes.” It seems that this phrase should be -- the movable optical **units**’ optical axes --.
  - Claim 3, line 15, change “the hinge contact surfaces” to -- hinge contact surfaces --.
  - Claim 3, line 19, change “the symmetry axis” to -- a symmetry axis --.
  - Claim 3, line 24 recites, “a slip plane.” It seems that “a slip plane” should be -- the common slip plane -- because lines 13-15 recite, “while **the second end body and the interstitial body are frontally connected** in a common slip plane transversal to their axes” and lines 23-24 recite, “whereat **the interstitial body and the second end body frontally connected** in a slip plane.”
  - Claim 3, lines 31 and 33-34, “the end carrier” should be -- the end body --.
  - Claim 6, line 3, “an interstitial body” and “a housing” should be -- the interstitial body -- and -- the housing --.
  - Claims should be avoided to use pronouns.

Appropriate correction is required.

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*Claim Rejections - 35 USC § 112*

8. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it

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pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

9. Claims 1-9 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter, which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

- Claim 1, lines 22-23 recite, “while the angular shifts are effected around a **permanent point** on the axis of the angularly shifted carrier.” It is not clear what is the exact location of the permanent point.
- Claim 3, lines 7-8 recite, “in the case of more than one triad of bodies with a common immovable body.” The examiner understands this phrase as the device comprising more than one triad, each triad having three bodies. But, all triads share one body, which is a common immovable body. Figure 9 shows the end body 2 being the immovable body common to all other triad. However, line 10 recites, “while **one of the immovable bodies**.” Line 10 recites the device to have more than one immovable body. Thus, claim 3 is not enabling.

10. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter, which the applicant regards as his invention.

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11. Claims 1-9 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

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- Claim 2, lines 3 and 5 recite, “along **axes**.” Since claim 1 recites many axes, it is not clear which axes that claim 2 is referring to.
- Claim 3, line 2 recites, “said bodies.” Since line 2 recites, “two end bodies” and “interstitial body,” it is not clear whether “said bodies” is referring to “two end bodies” or all three bodies.
- Claim 3, line 21 recites, “the bodies” and line 24 recites, “the axis.” It is not clear which bodies and axis that claim 3 is referring to since claim 3 recites a plurality of different bodies with different axes.

12. Regarding claim 1, the phrase "for example (i.e.)" renders the claim indefinite because it is unclear whether the limitation(s) following the phrase are part of the claimed invention. See MPEP § 2173.05(d).

13. Claim 8 recites the limitation "the frontally slipping bodies" in line 5. There is insufficient antecedent basis for this limitation in the claim.

### ***Conclusion***

14. The present disclosure of the instant invention contains numerous errors. The errors listed above are some examples. The examiner has tried to list many errors as possible, but not all the errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the present disclosure.

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15. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.



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US Patent No. 4,997,254 by Ganev, US Patent No. 5,095,517 by Monguzzi et al., US Patent No. 5,351,330 by Jongewaard, US Patent No. 5,812,258 by Pierson, and US Patent No. 5,859,947 by Kiryuscheva et al.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hae M Hyeon whose telephone number is 703-308-4802. The examiner can normally be reached on Mon.-Fri. (8:30-5:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lynn D Feild can be reached on 703-308-2710. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9318 for regular communications and 703-872-9319 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0956.

Hae M Hyeon  
Examiner  
Art Unit 2839

hnh  
June 12, 2003

*Hae Moon Hyeon*

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